

Rec PCT/PTC 09 SEP 2002

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket No. 005430.00002)

Applicants: Rusing et al. Paper No:
U.S. Serial No.: 10/070,666 Group Art Unit: TBA
Filed: March 08, 2002 Examiner: TBA
Title: NUCLEIC ACID WHICH IS OBTAINED FROM TETRAHYMENA
AND WHICH CODES FOR A DELTA-6-DESATURASE, THE
PRODUCTION THEREOF AND USE

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35
U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE
(DO/EO/US)

Assistant Commissioner for Patents
Box PCT
Washington, DC 20231

Dear Sir:

In accordance with 35 U.S.C. 371 and in further response to a Notification of Missing Requirements issued on May 10, 2002 in the above application, Applicant submits the following:

1. A Petition Under 37 C.F.R. 1.136 for a Two Month Extension of the July 10, 2002 Due Date for Response to the Notification of Missing Requirements, including payment of the fee for same under 37 C.F.R. 1.17(a);
2. One executed Declaration and Power of Attorney for Patent Application executed by the named inventors, Matthias Rusing, Thomas Kiv, and Annette Dominitzki;
3. A paper and electronic copy of the "Sequence Listing," as well as an amendment directing its entry into the specification; and
3. A copy of Notification of Missing Requirements.

PATENT

The Commissioner is hereby authorized to charge the \$130.00 large entity surcharge for providing the oath or declaration later than the appropriate 30 months from the priority date, under 37 C.F.R. 1.492(e) and to charge any other required fees or credit any overpayment in connection with this filing to **Deposit Account No. 19-0733.**

Respectfully submitted,

Rusing et al.

Reg. No.

Christopher R. Rhodes (47022)

for Peter D. McDermott

Peter D. McDermott

Attorney for Applicants

Reg. No. 29,411

Banner & Witcoff, Ltd.
28 State Street, 28th Floor
Boston, MA 02109
Telephone: (617) 227-7111
Facsimile: (617) 227-4399

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Post Office To Addressee Express Mail No. EV066773938US in an envelope addressed to: Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231 on: September 9, 2002

Rachelle Chery

9/9/02

Rachelle Chery

Date

PTO Rec'd PCT/PTO 09 SEP 2002

4

PTO/SB/17 (12/99)

Approved for use through 09/30/2000. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2000

Patent fees are subject to annual revision.

Small Entity payments must be supported by a small entity statement,
otherwise large entity fees must be paid. See Forms PTO/SB/09-12.
See 37 C.F.R. §§ 1.27 and 1.28.

TOTAL AMOUNT OF PAYMENT (\$530.00

Complete if Known

Application Number 10/070,666
Filing Date March 8, 2002
First Named Inventor Matthias Rusing
Examiner Name
Group / Art Unit
Attorney Docket No. 005430.00002

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 19-0733

Deposit Account Name Banner & Witcoff, LTD

☒ Charge Any Additional Fee Required
Under 37 CFR §§ 1.16 and 1.17

2. ☐ Payment Enclosed:

☐ Check ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 690	201 345	Utility filing fee	
106 310	206 155	Design filing fee	
107 480	207 240	Plant filing fee	
108 690	208 345	Reissue filing fee	
114 150	214 75	Provisional filing fee	

SUBTOTAL (1) (\$0.00

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
-20**	X		0
-3**	X		0
Multiple Dependent			0

**or number previously paid, if greater; For Reissues, see below

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
103 18	203 9	Claims in excess of 20	
102 78	202 39	Independent claims in excess of 3	
104 260	204 130	Multiple dependent claim, if not paid	
109 78	209 39	** Reissue independent claims over original patent	
110 18	210 9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$0.00

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	130.00
127 50	227 25	Surcharge - late provisional filing fee or cover sheet.	0.00
139 130	139 130	Non-English specification	0.00
147 2,520	147 2,520	For filing a request for reexamination	0.00
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	0.00
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	0.00
115 110	215 55	Extension for reply within first month	0.00
116 380	216 190	Extension for reply within second month	400.00
117 870	217 435	Extension for reply within third month	0.00
118 1,360	218 680	Extension for reply within fourth month	0.00
128 1,850	228 925	Extension for reply within fifth month	0.00
119 300	219 150	Notice of Appeal	0.00
120 300	220 150	Filing a brief in support of an appeal	0.00
121 260	221 130	Request for oral hearing	0.00
138 1,510	138 1,510	Petition to institute a public use proceeding	0.00
140 110	240 55	Petition to revive - unavoidable	0.00
141 1,210	241 605	Petition to revive - unintentional	0.00
142 1,210	242 605	Utility issue fee (or reissue)	0.00
143 430	243 215	Design issue fee	0.00
144 580	244 290	Plant issue fee	0.00
122 130	122 130	Petitions to the Commissioner	0.00
123 50	123 50	Petitions related to provisional applications	0.00
126 240	126 240	Submission of Information Disclosure Stmt	0.00
581 40	581 40	Recording each patent assignment per property (times number of properties)	0.00
146 690	246 345	Filing a submission after final rejection (37 CFR § 1.129(a))	0.00
149 690	249 345	For each additional invention to be examined (37 CFR § 1.129(b))	0.00
Other fee (specify)			0.00
Other fee (specify)			0.00

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$530.00

SUBMITTED BY

Name (Print/Type) Peter D. McDermott

Registration No. (Attorney/Agent) 29,411

Complete (if applicable)

Telephone 1-617-227-7111

Signature *Christy R. Phelan (47022) for Peter D. McDermott*

Date 09/09/02

WARNING:

Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.